

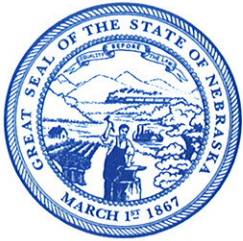
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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
May 25, 2004

Contact: Holley Bolen
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Attorney General Bruning Warns Against Home Repair Scams in Wake of Storms

Lincoln, NE – Attorney General Jon Bruning warned Nebraska consumers today about an increased risk of home repair scams due to the extensive damage caused by recent storms.

“Following this type of devastation, people need to be extra cautious,” said Bruning. “These scam artists thrive on the increased number of consumers needing service and their heightened emotional state.”

While most home improvement contractors are honest and perform a needed service to homeowners at a fair price, there are scam artists working to deceive Nebraskans. The Nebraska Attorney General’s office received 188 complaints in 2003 involving home improvement contractors.

Here are some tips to prevent consumers from being taken advantage of by an unscrupulous contractor:

- Don’t be pressured to sign a contract immediately. Take time to find out about the contractor’s work or company.
- Be cautious if a contractor says he has just finished work down the street and has enough leftover material to do the work on your home on the condition that the offer is only good for one day.
- Out-of-state contractors are more difficult to contact if there is a problem, so be careful working with a contractor that does not have a local address.
- Always get at least 3 quotes for the work to be done. The more prices you have to compare, the better able you are to make a fully informed decision.
- Ask friends what contractors they have used for the same type of work and if they were satisfied with the results.
- Make sure that the contractor is bonded, licensed and insured. Get proof in writing and then call the agencies to confirm.
- Insist on a written contract. This should include description of the work to be performed, materials to be used, the date the work will begin and the approximate completion date. If the contractor is not willing to put everything in writing, go to someone who will. Remember; don’t sign a contract that is not completely filled out.
- Keep records of all contracts, correspondence and anything related to the work done.

For information about a contractor or to file a complaint, contact the Office of the Attorney General’s Consumer Protection Division at (402) 471-2682, toll-free at (800) 727-6432, or toll-free en Español at (888) 850-7555. You can also visit us online at www.ago.state.ne.us.



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For Immediate Release
May 17, 2004

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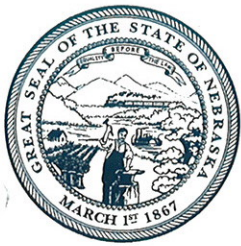
Judge Issues Order In Omaha Public Schools Lawsuit

Judge Lamberty Rules Legislature Must Determine What Constitutes An Adequate Education

Lincoln, NE- Attorney General Jon Bruning called the order issued today by District Court Judge Patricia Lamberty in the Omaha Public Schools Lawsuit a very positive milestone for the school funding lawsuit.

The court's order issued this morning dismissed two of plaintiffs' claims involving provisions in the Nebraska Constitution dealing with adequacy of funding for K-12 education. The court allowed the plaintiffs to proceed with five claims related to equal protection. Judge Lambert ruled that it is up to the Legislature, not the Judiciary, to determine what constitutes an "adequate education". The Court also dismissed the plaintiffs' claims for attorney fees. In total, almost \$1 million has been spent litigating the issue. The state has spent about one quarter of that amount, or \$262,000.

"Judge Lamberty's opinion was well-reasoned and she produced a careful, well-researched analysis," said Attorney General Bruning. "Her conclusion that the Legislature, not a single judge, should decide what constitutes an adequate education is an important step in the litigation process."



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JON BRUNING
ATTORNEY GENERAL

Attorney General Jon Bruning
Guest Column: May 14, 2004
Contact: Holley Bolen (402) 471-3888

There has been a lot of confusion with the announcement of the new Medicare Prescription Drug Discount Cards, and Nebraska seniors need to be aware of con-artists trying to take advantage of misunderstandings about the program. To avoid buying a phony discount card, keep these tips in mind:

- Seniors have been the targets of phone solicitations and door-to-door salesmen claiming to be selling drug discount cards endorsed by the government. The government is not calling or going door-to-door with the real discount cards.
- A person who calls on the phone or comes to your door selling prescription drug discount cards may ask for personal information such as social security number and bank account information that can lead to identity theft. Do not give out personal information to people you do not know.
- Information about the discount drug program will arrive only in the mail and will bear a seal stating "Medicare approved." This solicitation may come from a variety of companies that Medicare has approved to offer the card. Even then, anything that is received in the mail should be studied carefully because there are offers that look official that are not. For example, there is a mailing from a group called "Senior Security Prescription Plan" that looks very official, but in the small print it states that it is not affiliated with the Social Security Administration or any government agency.
- Phony discount card offers do not get the consumer any discounts at their pharmacy, may charge co-pays like an insurance company, or charge more than a Medicare approved card (maximum fee allowed is \$30.00 per year).
- For more information, contact the Nebraska "SHIIP" (Senior Health Insurance Information Program) at www.nol.org/home/NDOI or (800) 234-7119 or contact Medicare at www.medicare.gov or (800) 633-2273.

For additional information on this or other consumer related matters, call the Consumer Protection Division of the Attorney General's Office at (800) 727-6432 or (402) 471-2682 or visit us online at www.ago.state.ne.us.

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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
May 12, 2004

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Bruning Joins 50 Attorneys General
in Off-Label Drug Marketing Settlement with Warner-Lambert

(Lincoln, NE) Attorney General Jon Bruning announced today a nationwide Consumer Protection settlement with Warner-Lambert (a wholly owned subsidiary of Pfizer Inc. – the worlds largest pharmaceutical company) resolving allegations of deceptive “off-label” marketing of the blockbuster drug – Neurontin®. Under the settlement, Warner-Lambert will pay the states \$38 million dollars. Nebraska’s share of the settlement totals \$278,000.

“Consumer protection violations, particularly those that put the health of Nebraskans at risk, won’t be tolerated” said Attorney General Bruning. “We will continue to pursue bad actors and do all we can to ensure that Nebraskans are receiving the best medical advice and care possible.”

This settlement is part of an unprecedented global 50 state settlement that also resolves investigations by the National Association of Medicaid Fraud Control Units and the U.S. Attorney’s Office out of Boston. In total, Warner-Lambert will pay \$430 million dollars under these settlements.

The alleged violations of state consumer protection laws occurred when Warner-Lambert promoted Neurontin for various “off-label” indications – including various psychiatric disorders, back pain, and headache – even though the scientific evidence supporting the use of Neurontin for these indications was lacking. Neurontin is a prescription medication approved by the Food and Drug Administration (“FDA”) for adjunctive treatment of epilepsy and treatment of post-herpetic neuralgia. Approximately 90% of Neurontin prescriptions, however, are for off-label purposes.

It is illegal for pharmaceutical manufacturers to promote off-label use of their drugs, although doctors are permitted to prescribe for such uses. Warner-Lambert engaged in off-label promotion of Neurontin in a variety of ways, dramatically increasing the prescribing of Neurontin for off-label indications for which there is little or no scientific evidence of efficacy.

Among the methods used to deceptively promote Neurontin for off-label indications were:

- continuing medical education classes (“CMEs”) that lacked fair balance and misrepresented the nature of the CME and provided expensive “perks” to attending physicians;
- a “publication strategy” that subsidized the production and dissemination of anecdotal reports favorable to off label use of Neurontin and were of no scientific value;
- payments to prescribers for “research” that was, in effect, a kickback for off label prescribing; and,
- providing incomplete information about Neurontin to the drug reference compendium “Drugdex.”

(MORE)

The settlement prohibits Warner-Lambert and its corporate parent Pfizer Inc. from the following activities:

- making false, misleading or deceptive oral or written claims about Neurontin and from promoting off label uses in violation of the federal Food, Drug and Cosmetic Act;
- misrepresenting the nature of scientific evidence relating to Neurontin;
- disseminating written materials that have not appeared in peer reviewed scientific journals in contravention of limitations set forth in the Assurance;
- failing to make disclosures about funding of research and educational events related to Neurontin;
- failing to require speakers at educational events related to Neurontin who have financial relationships with Warner Lambert or Pfizer from disclosing their relationship, including whether the speaker has been paid to promote Neurontin;
- failing to comply with the Pharmaceutical Research and Manufacturers of America Code with respect to payments, gifts and remuneration to health care providers (compliance with this Code has previously been voluntary);
- failing to comply with Accreditation Council for Continuing Medical Education Guidelines (compliance with the Guidelines has previously been voluntary);
- misrepresenting the credentials of sales, medical and technical personnel;
- providing information that is misleading or lacking in fair balance to drug reference compendia; and,
- violating Federal anti-kickback laws.

Of the \$38 million provided under the consumer protection settlement, \$28 million will be used to roll-out a remediation program. The program includes a National Advertising Program to provide physicians and other prescribers with fair and balanced information about Neurontin. It also includes a Prescriber and Consumer Education Program that will provide prescribers and/or consumers with fair and balanced information about drugs. \$10 million dollars will be distributed to the participating Attorney General's offices for attorney's fees and costs of investigation.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
May 6, 2004

Contact: Holley Bolen
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**Attorney General Bruning Announces University Must
Release Candidate Information**

(LINCOLN-NE) Attorney General Jon Bruning announced today that the University of Nebraska must make the application records related to eight applicants for the University President position available to the public.

“Under Nebraska law the records must be disclosed,” said Bruning. “Often reasonable people disagree. The University made a compelling case, but after reviewing the language of the statute together with the legislative history, we determined that the public is entitled to these records.”

On April 27, the University issued a decision denying access to records related to the applicants. On April 29, the Attorney General’s office was petitioned by several Nebraska newspapers and the Associated Press to review the decision.

Bruning’s office determined that the people involved in meetings in Kansas City and Omaha were finalists for the position and were involved in interviews, making the application materials subject to Public Records Statutes.

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Radio actualities will be available by 3:00 p.m. CST on our website at the following link:
http://www.ago.state.ne.us/content/sound_bits.html.



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JON BRUNING
ATTORNEY GENERAL

For Immediate Release:
May 4, 2004

Contact: Christina VanVliet
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Attorney General Bruning Announces “Call Before You Dig” Awareness Week

LINCOLN – Attorney General Jon Bruning announced today that May 2 – 8 is “Call Before You Dig” Awareness Week. The Department of Justice is working closely with the State Fire Marshall’s Office and the One-Call Notification Board to increase awareness about safety when digging and enforce the One-Call Notification Law.

The One-Call Notification Law requires any excavators to notify underground facility operators two business days prior to digging by contacting the One-Call Notification Center, otherwise known as “the Diggers’ Hotline.” This allows the underground facility operators to take precautions to protect underground facilities from damage and to protect the public from the dangers associated with such damage.

“This is, first and foremost, an issue of public safety,” Attorney General Bruning commented. “Our office will be paying close attention to violators of the One-Call Notification Law and will prosecute if necessary.”

Penalties for violating the One-Call Notification Law are substantial, from up to \$10,000.00 per day for a violation related to a gas or hazardous liquid underground pipeline facility and \$500.00 per day for other underground facilities. This is in addition to any actual damages an excavator may owe to individual facility operators.

For more information, call the Diggers Hotline of Nebraska at 1-800-331-5666, or visit their website at www.ne-diggers.com.